

COMPLAINT UNDER 42 USC § 1983, CIVIL RIGHTS ACT - TDCJ-ID (Rev. 7/97)

DEC 07 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
Tiler DIVISION

David Glen Gattin #1814373
Plaintiff's Name and ID Number

Michael Unit
Place of Confinement

CASE NO. 6:15cv1143 MHS/KNM

(Clerk will assign the number)

V.

Samuel C. Arcipreste, Michael Unit 2664 Fm 2054 Tennessee Colony, TX 75886
Defendant's Name and Address

Larry E. Berger, Michael Unit 2664 Fm 2054, Tennessee Colony, TX 75886
Defendant's Name and Address

N/A
Defendant's Name and Address
(DO NOT USE "ET AL")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Divisional address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed in forma pauperis. In this event you must complete the application to proceed in forma pauperis (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA) provides, "...if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed in forma pauperis, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek in forma pauperis status, then do not send your complaint without and Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in state or federal court relating to your imprisonment? _____ Yes ☒ No
- B. If your answer to "A" is "Yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
 Plaintiff(s): N/A
 Defendant(s): N/A
 3. Court: (If federal, name the district; if state, name the county.) N/A
 4. Docket Number: N/A
 5. Name of judge to whom case was assigned: N/A

6. Disposition: (Was the case dismissed, appealed, still pending?):

N/A

7. Approximate date of disposition:

N/A

II. PLACE OF PRESENT CONFINEMENT:

Michael Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO
Attach of copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name and address of Plaintiff:

David Glenn Gattin #1814373
Michael Unit 2664 Fm 2054 Tennessee Colony, TX 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Samuel C. Arcipreste (Head Chaplain) Michael Unit
2664 Fm 2054 Tennessee Colony, TX 75886

Briefly describe the act(s) or omission(s) of this defendant which you claim harmed you.

Continuous denial to provide religious materials

Defendant #2: Larry E. Berger (Assistant Warden) Michael Unit
2664 Fm 2054 Tennessee Colony, TX 75886

Briefly describe the act(s) or omission(s) of this defendant which you claim harmed you.

Continuous failure to enforce chaplain to provide religious materials

Defendant #3:

N/A

Briefly describe the act(s) or omission(s) of this defendant which you claim harmed you.

N/A

Defendant #4:

N/A

Briefly describe the act(s) or omission(s) of this defendant which you claim harmed you.

NRA

Defendant #5:

NRA

Briefly describe the act(s) or omission(s) of this defendant which you claim harmed you.

NRA

V. STATEMENT OF CLAIM

State here, in a short and plain statement, the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

All through June-September 2015, Chaplain Arcipreste continually denied to provide me with access to religious materials. Assistant warden Berser continually agreed with chaplain Arcipreste to deny me religious materials because I'm a Satanist and not a christian

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To order Chaplain Arcipreste and warden Berser to provide me with a Satanic Resource List, as well as provide me with compensatory and punitive damages in the amounts stated

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by, including any and all aliases:

David Glenn Gattlin

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

1080062, 1213424, 1273128, 156-?, 1384504, 1814373

VII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

____ YES ☒ NO

- B. If your answer is "YES", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? ____ YES ☒ NO

- C. Has any court ever warned or notified you that sanctions could be imposed?

____ YES ☒ NO

- D. If your answer is "YES", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

Executed on: 11-18-15
DATE

David Glenn Gattlin
David Glenn Gattlin
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an in forma pauperis lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 18th day of November, 2015.
(Day) (Month) (Year)

David Glenn Gattlin
David Glenn Gattlin
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to, monetary sanctions and/or the dismissal of this action with prejudice

United States District Court

David Glenn Gattlin
TDCJ-ID # 1814373,
Plaintiff,

v.

Complaint
Civil Action No. _____

Chaplain Samuel C.
Arcipreste, Assistant
Warden Larry E. Berger,
individually and in their
official capacities,
Defendants.

1. Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, the rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Eastern District of Texas, Tyler, Texas, is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff

3. Plaintiff, David Glenn Gattlin, is and was at all times mentioned herein a prisoner of the state of Texas in the custody of the Texas Department of Criminal Justice - Institutional Division. He is currently confined in the Michael unit, in Tennessee Colony, Texas.

III. Defendants

4. Defendant, Larry E. Berger, is the Warden of the Michael Unit. He is legally responsible for the operation of the Michael Unit and for the welfare of all the inmates in that Prison.
5. Defendant, Samuel C. Arcipreste, is the Head Chaplain of the Michael Unit. He is legally responsible for the operation of the Michael Unit Chaplain's Office, and the overall responsibility of addressing any religious issues at the Michael Unit.

III. Facts

6. On 7-1-15, I sent an Inmate Request to official ("I-60") to the Head Chaplain of the Michael Unit, requesting that Chaplain Department provide me with a Satanic Resource List so I could write and request Satanic materials, (i.e. books, study courses, literature, etc.), so that I would have access to literature to help me on my religious path.
7. In response to my 7-1-15 request for a Satanic Resource List, the Chaplain sent me a Christian resource list. (See Exhibit "A") instead of requested Satanic Resource List.
8. On 7-23-15, I wrote another Inmate Request to official and stated that on 7-1-15 I requested a Satanic Resource List and that instead of issuing requested Satanic Resource List, the Chaplain's office issued me a Christian Resource List, knowing that I am not a Christian. I was told at this time that the Chaplain's office would check with the Unit's Neo-Pagan department about getting me a Satanic Resource list. No response was ever given in regards to the neo-pagan request.
9. At the time of my 7-1-15 request for a Satanic Resource List, that request was my 4th request regarding the matter, with no type of response to my previous 3 requests.
10. On 7-1-15, I filed a step 1 Grievance in regards to my on-

going requests for a Satanic Resource List. In response to my request, I was informed by Warden Larre E. Berger that the Chaplain's department stated that the Chaplain's department "has no policy that the Chaplains department has to provide offenders with this type of information."

11. On 9-4-15, I filed a step 2 Grievance on the basis that I was not satisfied with my step 1 response. On 9-28-2015, I was issued an notice of extension of time in regards to my step 2 Grievance, saying more time was needed to investigate my step 2 complaint.
12. On 11-17-15, I received my step 2 Grievance in the mail with the overall answer regarding my complaint. It stated that my complaint was forwarded to the Region 11 Chaplain, Chaplain Lacy, and that "no further action is warranted." So my complaint was denied again and no action was taken on behalf of my initial complaint.
13. Upon information and belief, the Michael unit has a neo-Pagan (Wiccan) program, and therefore could provide me with the means to obtain Satanic resources if they were inclined to do so, but due to the fact that I'm a Satanist, they do not intend to provide me with the materials I've requested, and will continue to deny me these materials in the future.
14. Please see attached Exhibits "A" - "D". These exhibits show my attempts to obtain requested Satanic resource list, as well as answers and responses to those requests.
15. As Head Chaplain, Samuel C. Arcipreste has the authority to obtain and provide me with requested Satanic materials. His continuous denials show discrimination on my religious beliefs.
16. As Warden of the Michael unit, Larre E. Berger has the authority to enforce upon the Chaplain's department to provide me with Satanic materials. His refusal to do so, and in his continuous agreements with Chaplain Arcipreste show his blatant discrimination against my religious beliefs.

17. It is a proven fact that under RLUIPA, in 2005, the Supreme Court found RLUIPA constitutional in Cutter v. Wilkinson, 544 U.S. 709 (2005). The Court held that facilities that accept federal funds cannot deny prisoners the necessary accommodations to engage in activities for the practice of their own religious beliefs. A accommodations include providing me with materials needed to practice my religion (i.e. Satanic Resource List).
18. I have continuously been targeted for discrimination because Satanists have been historically discriminated against due to being in conflict with Christianity.

IV. Exhaustion of Legal Remedies.

19. Plaintiff David Glenn Gatlin, used the Prisoner Grievance procedure available at the Michael Unit to try and solve the problem. On 7-1-15 Plaintiff David Glenn Gatlin presented the facts relating to this complaint. On 9-3-15 Plaintiff David Glenn Gatlin was sent a response saying that the grievance had been denied. On 9-4-15 he appealed the denial of the grievance.

V. Legal claims

20. Plaintiff realleges and incorporates by reference paragraphs 1-18.
21. The discrimination of religious practice violated Plaintiff David Glenn Gatlin's rights and constituted religious freedom and due process violations under the First, Fifth, and Fourteenth Amendments to the United States Constitution.
22. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this Court grants the declaratory

and injunctive relief which Plaintiff seeks.

V1. Prayer For Relief

wherefore, Plaintiff respectfully prays that this Court enter Judgment granting Plaintiff:

23. A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States.
24. A preliminary and permanent injunction ordering defendants Chaplain Samuel C. Arcipreste and Warden HARRY E. Berger to discontinue violating my right to practice my religion and to provide me with a Satanic Resource List so I can write and obtain Satanic materials to help me on my religious path.
25. Compensatory damages in the amount of \$4,000 against each defendant, jointly and severally.
26. Punitive damages in the amount of \$4,000 against each defendant.
27. A Jury trial on all issues triable by Jury,
28. Plaintiff's cost in this suit,
29. Any other additional relief this Court deems just, proper, and equitable.

Dated: David Gathli 11-18-15
Respectfully Submitted,

David Glenn Gathli #1814373
Michael Unit
2664 Fm 2054
Tennessee Colony, Tx 75886

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to the matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of Perjury that the foregoing is true and correct.

Executed at Tennessee County, TX on 11-18-15

David Glenn Gathin
David Glenn Gathin

In The United States
District Court For The

David Glenn Gattin
TDCJ-ID # 1814373
Plaintiff,

v.

Summons
Civil Action No. _____

Chaplain Samuel C.
Arcipreste, Assistant
Warden Larry E. Berger,
individuals and in their
official capacities.
Defendants,

To The Above Named Defendants:

You are hereby summoned and required to serve upon Plaintiff, whose address is the Michael Unit, 2664 Fm 2054, Tennessee Colony, Tx 75886, and answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. Government or officer/agent thereof is a defendant, if you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Clerk of the Court

Date: _____



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2015 186123
 Date Received: JUL 29 2015
 Date Due: 9-7-2015
 Grievance Code: 302
 Investigator ID #: I1008
 Extension Date: _____
 Date Retd to Offender: SEP 03 2015

Offender Name: David Gatlin TDCJ # 1814373
 Unit: Michael Housing Assignment: 12-E-45
 Unit where incident occurred: Chaplain's office

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Head Chaplain Cynthia Lowry When? 7-1-15

What was their response? NO written response

What action was taken? Sent me christian addresses

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 7-1-15, I sent head chaplain Cynthia Lowry an I-60 requesting she provide me with a Satanic Resource Guide so that I could write and get books and other materials. I need in order to practice my Satanic faith.

In response to my request, although knowing I'm not a christian, Ms. Lowry chose to send me a list of christian addresses. I have repeatedly requested that the Chaplain department provide me with materials therefore I can continue on my religious path.

Under the Religious Land Use and Institutionalized Persons Act, it states: "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, unless the burden furthers a compelling governmental interest, and does so by the least restrictive means."

Due to the Chaplain's Department continually refusing to help me obtain religious materials, they are in complete violation of my First Amendment right, and also in violation of the Religious Land Use and Institutionalized Persons Act.

By continuously denying me Satanic materials, and instead trying to send me christian materials, the Chaplain

department is showing open religious discrimination by restricting my access to satanic materials. I am entitled to practice my religion without discrimination and/or refusal by the Chaplains department to provide me with resources.

Action Requested to resolve your Complaint.

To Provide me with a list of Satanic Resources

Offender Signature: David A. Gath

Date: 7-27-15

Grievance Response:

An investigation was conducted into your complaint regarding being denied a resource guide for satanism to purchase books. Chaplain Arcipreste reports that there is nothing in policy that the Chaplaincy has to provide offenders this type of information.

**WARDEN
BERGER**

SEP 03 2015

Signature Authority: R. Beyer

Date: 9-3-15

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
2nd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
3rd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____

NOV 18 2015



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2015186123U GI Recd Date: SEP 04 2015H Q Recd Date: SEP 10 2015Date Due: 10.9Grievance Code: 300Investigator ID#: 12044Extension Date: 11-13-15Offender Name: David Gattin TDCJ # 1814373Unit: Michael Housing Assignment: 12-E-45 ✓Unit where incident occurred: chaplain's office

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

On 7-21-15 I sent Head Chaplain Mrs. Cynthia Lowry an I-60 requesting that she help me obtain a Satanic resource list where I could write to get books and possible guidance from other Satanists. Instead of the Satanic list I requested, I was given a list of Christian addresses. I wrote again on 7-23-15 and asked why I was given Christian materials instead of what I had requested. I still have not gotten a response to that request. On 7-1-15 I filed Step 1 (attached) with my complaint. The response was that the Chaplain's Policy does not require them to provide me with Satanic materials, under the Religious Land Use And Institutionalized Persons Act, in 2005, the Supreme Court found RLUIPA constitutional in Cutter v. Wilkinson, 544 U.S. 709 (2005). The Court held that facilities that accept federal funds cannot deny prisoners the necessary accommodations to engage in activities for the practice of their own religious beliefs. As all state correctional systems accept federal funding, the above case applies to my situation. The Chaplain's office may not have a policy that warrants them provide me with requested Satanic materials, but the Supreme Court says otherwise. Not only is this denial for Satanic materials a violation of my first amendment right to practice my religion, it is also a gross violation of my fourteenth amendment "equal protection of the law." Satanists have been historically discriminated against due to being in conflict with Christianity. And I truly feel that my continuous requests for help obtaining a Satanic resource list is discrimination, and that the Chaplain's department

is refusing to fulfill my request because they do not agree with my religious views. I ask that I please be provided with a list of Catholic Resources addresses.

Offender Signature: Daniel Gathi

Date: 9-4-15

Grievance Response:

An investigation of your Step I was conducted and your request and been forwarded to Chaplain Lacy the Region II Chaplain. No further action is warranted.

Signature Authority:

Howard B. Howard ARD

Date:

11-04-15

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

In The United States District Court
For The Eastern District of Texas

David Gatlin,
Plaintiff,

v.

Declaration
of Jason McKinney

Samuel C. Arcipreste,
et al.,
Defendants,

Civil Action
No. _____

Jason McKinney hereby declares:

I have been incarcerated at the Michael Unit - Texas Department of Criminal Justice since 2013. I have been housed in 12 Building, E-Pod, cell 46 since May 2015. I am directly next to David Gatlin, who is in 12-Building, E-Pod, cell 45, and have been for the last 17 months.

I am fully aware of David Gatlin's attempts of obtaining a Satanic Resource List from the Chaplaincy, who continue to deny his requests. I am aware that David Gatlin has also utilized the offender Grievance Process to no avail, as he is still being denied a Satanic Resource List.

I declare under penalty of Perjury that the foregoing is true and correct. Executed at Tennessee Colony, TX on November 18, 2015.

✓ Jason C. McKinney
(Signature)

Jason C McKinney #1859241
(Printed Name + TDCJ-ID #)

In The United States District Court
For The Eastern District of Texas

David Gatlin,
Plaintiff,

v.

Declaration
of Brian Tucker

Samuel C. Arcipreste,
et al.,
Defendants.

Civil Action
No. _____

Brian Tucker hereby declares:

I have been incarcerated at the Michael Unit - Texas Department of Criminal Justice since 2013. I have been housed in 12 Building, E-Pod, 44 cell since August 2015. I am directly next to David Gatlin, who is in 12 Building, E-Pod, 45 cell, and have been for the last few months.

I am fully aware of David Gatlin's attempts at obtaining a Satanic Resource list from the Chaplaincy, who continue to deny his requests. I am aware that David Gatlin has also utilized the Offender Grievance Process to no avail, as he is still being denied a Satanic resource list.

I declare under penalty of Perjury that the foregoing is true and correct. Executed at Tennessee Colony, TX on November 18, 2015.

X Brian Tucker
(Signature)

BRIAN TUCKER #1847045
(Printed Name + TDCJ-ID #)

Inmate request to official

Exhibit "A"

to: Head Chaplain
cc: Unit Chaplain's office

Date: 7-1-15

Can you help me obtain Satanic Resource
Guide, or any Satanic addresses. I need them so
I can get literature and books to help me on my
religious path.

Thank you

Name: David Gatlin No: 1814373 Unit: MI

Unit # 17-E-45

T1: None

FREE BIBLE COURSES

MT. ZION BIBLE INSTITUTE
2603 West Wright St. • Pensacola, FL 32505

EXODUS PRISON MINISTRY
P.O. Box 6363 • Lubbock, TX 79493

WRITE-WAY PRISON MINISTRIES
P.O. Box 461582 • Garland, TX 75046

TRUTH CHASERS CLUB
P.O. Box 190 • Warrenton, MO 63383
(available in Spanish)

FREE MAGAZINES

'Life in the Son'
CHRIST-LIFE FELLOWSHIP
P.O. Box 170307 • Dallas, TX 75217-0307

'The Berean Call'
P.O. Box 7019 • Bend, OR 97708-7019

'Does God Exist?'
P.O. Box 2704 • South Bend, IN 46680

FREE CHRISTIAN BOOKS

FREEDOM IN CHRIST MINISTRY
P.O. Box 822 • Longview, TX 75606

Available books: "The Very Basics of Christianity"
"The Work of Christ: Foretold, Complete, Eternal"
"Christ-Like Character in Action"

CHAPEL LIBRARY
2603 West Wright St. • Pensacola, FL 32505

Available books: More than 100 books and booklets
(English and Spanish). Request a list and order form.

INTERNATIONAL PRISON MINISTRY
P.O. Box 2868 • Costa Mesa, CA 92628-2868

Available books: Bible dictionary, concordance and many
others. To receive materials, you must indicate how long
you will be in your current unit/jail.

DESIRING GOD
2112 Broadway St. NE Suite 150
Minneapolis, MN 55413

Available books: More than 30 books (English and
Spanish). Request their catalog of books that are available
free to inmates.

Inmate Request to Official

Exhibit "B"

12F
 to: Head Chaplain (Mrs. Louver) Date: 7-23-15
 cc: Unit Chaplain's Office

On 7-1-15, I sent you an I-60 asking you to please help me by obtaining a Satanic Resource list so that I will be able to write and get materials that will help me on my religious path. Instead of a Satanic resource list, you sent me a list of Christian addresses. I've continually requested your help in getting literature and materials in regard to my religion, but you either do not respond, or you send me Christian material knowing that I'm not a Christian. What are you continually denying to help me obtain ~~and~~ a Satanic resource list? Is it because I'm not Christian or do not follow your beliefs? Please respond and let me know why you're refusing to help me. Thank you.

We Do Not Have any I will try to ask someone
 in Neo Pagan Service

name: David Gartin No: 1814373 Unit: MI
 cell#: 12-E-45 Job: none

Exhibit C

12 EI-45

Step 1		Grievance #	Offender Name	TDCJ #	Unit
Step 2	X	2015186123	Gatlin, David	1814373	MI

(Check which box applies (Step 1 or Step 2))



Texas Department of Criminal Justice
NOTICE OF EXTENSION
Offender Grievance Office

In accordance with the procedures outlined in BP-03.77, "Offender Grievances," and AD-03.82, "Management of Offender Grievances," you are hereby notified that additional time is necessary to complete the investigation of your:

Step 1 Grievance: (check the applicable box)

- ☐ An additional 30 days is needed for appropriate response to your disciplinary appeal.
- ☐ An additional 40 days is needed for appropriate response to your grievance.
- ☐ An additional 45 days is needed for appropriate response to your medical Step 1 grievance.

Step 2 Grievance: (check the applicable box)

- An additional 30 days is needed for appropriate response to your **disciplinary** appeal.
- X** An additional 40 days is needed for appropriate response to your **regular** Step 2 grievance
- ☐ An additional 45 days is needed for appropriate response to your **medical** Step 2 grievance.

K. Norman
Region II Grievance Investigator

September 28, 2015
Date

Original – Send to the Offender
Copy – Attach to the Grievance

Greetings,

6-29-15

Can you please send me a copy of my Inmate Trust Fund Statement. I've tried to get one on a unit level, but I can't get anyone to send me one. Thank you for your time and help with this request.

Respectfully,

David Glenn Gattin #1814373
Michael Unit
2664 Fm 2054
Tennessee County, TX 75886

Exhibit "A"

JUL 02 2015

Statements are printed at the beginning of each month for the previous month. **Those accounts with a zero balance and no transactions for the month will not have a statement printed.** All statements are sorted by Unit and sent to the Unit Mail Room for distribution. If you are having a problem receiving your statement, you need to contact either the Unit Mail Room or Unit Warden.

The monthly banking transactions (statement) are provided at no charge. There is a charge for any additional copy of a banking history print-out. The cost is \$10.00 for the first year and \$5.00 for each additional year (requested at the same time).

If you would like to purchase a banking history:

1. Make sure you have (and maintain) sufficient funds in your account.
2. Complete an Inmate Request for Withdraw (I-25), payable to "Inmate Trust Fund" for the total amount equal to the number of years requested.
3. Include an Inmate Request to an Official (I-60) stating the date range of history you want purchased ("*from mm/dd/yyyy to mm/dd/yyyy*").
4. Have the I-25 processed according to proper unit approval procedures.

History Cost:

0-12 Months	(1 year)	\$10.00
0-24 Months	(2 years)	\$15.00
0-36 Months	(3 years)	\$20.00
0-48 Months	(4 years)	\$25.00
0-60 Months	(5 years)	\$30.00
0-72 Months	(6 years)	\$35.00
0-84 Months	(7 years)	\$40.00
0-96 Months	(8 years)	\$45.00

Exhibit "D"



TEXAS DEPARTMENT OF CRIMINAL JUSTICE
GO, 454
INMATE TRUST FUND
STATEMENT OF ACCOUNT
P.O. BOX 60
HUNTSVILLE, TEXAS 77342-0060

LOCATION: 12-E-D ROW-1

45

UNIT:

MI

NAME: GATLIN, DAVID GLENN

ACCOUNT

DATE: 10/30/15

NUMBER:

01814373

Staples® Print Solutions 966 16 QLT 1 09/24/2013 573394

INMATE TRUST FUND ACCOUNTS ARE DEMAND ACCOUNTS. YOU WILL NOT EARN ANY INTEREST. YOU MAY WANT TO DEPOSIT EXCESS FUNDS IN A SAVINGS INSTITUTION OF YOUR CHOICE.



426 MEDICAL CO-PAY OWED:

100.00

FEDERAL COURT FEE OWED:

.00

TEXAS COURT FEE/CHARGE OWED: 1,350.02

INDIGENT SUP. OWED:

14.19

OTHER HOLD AMOUNT

.00

BEGINNING BALANCE:

.00

LOCATION: 12-E-D ROW-1 45

UNIT:

NAME: GATLIN, DAVID CLENN

ACCOUNT

DATE: 10/30/15

NUMBER:

01014873

INDIGENT SUP. OWED: 14.19 OTHER HOLD AMOUNT .00

TEXAS COURT FEE/CHARGE OWED: 1,350.02

ITEM/DESCRIPTION	WITHDRAWALS	DEPOSITS	BALANCE
10/30/15	.00		.00

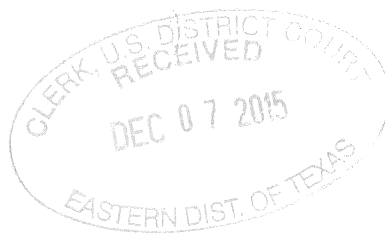
INDIGENT SUP. OWED: 14.19 OTHER HOLD AMOUNT .00

TEXAS COURT FEE/CHARGE OWED: 1,350.02

Please find enclosed the following documents:

- ① motion For Complaint under 42 U.S.C. § 1983, Civil Rights Act - TOCS
- ② Summons
- ③ Application to Proceed In Forma Pauperis
- ④ Declaration In Support of motion To proceed In Forma Pauperis
- ⑤ motion For Appointment of Counsel
- ⑥ Exhibits "A" - "D"

Please file this paperwork. Enclosed is one original copy and one copy of all documents. Please file and bring to the attention of the court. Thank you for your time and assistance in this matter.



6:15cv 1143
MHS/KNM

Respectfully submitted,
David Glenn Gattlin

David Glenn Gattlin #1814373
Michael Unit
2664 Fm 2054
Tennessee County, TX 75886

PS -

"Happy Thanksgiving"

+

Merry Christmas

David Goffin #1814373
Michael Unit
2604 FM 2054
Tennessee Ident, TX 75886

District Clerk - U.S. District Court
Eastern District of Texas
211 W. Ferguson, Room # 106
Tyler, TX 75702

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